

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Tuesday, September 17, 2013**

<b>CARDIN, LUIS</b>	<b>C-35792</b>	<b>Penal Code section 1170(e)</b>
<b>Motion:</b>	Recommend to the court that the prisoner's sentence be recalled, or the prisoner be re-sentenced, based on the Board's finding that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months, and the conditions under which the prisoner would be released or received treatment (at the home of his sister in Los Angeles) would not pose a threat to public safety.	
Motion by:	Anderson	
Second by:	Montes	
Not Present:		
Abstained:		
<b>Decision:</b>	Motion carried.	
<b>CHAPLIN, MARVIN</b>	<b>E-20848</b>	<b>Penal Code section 1170(e)</b>
<b>Motion:</b>	Decline to recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the conditions under which the prisoner would be released or receive treatment would pose a threat to public safety due to recent display of violence in 2012 and a lack of viable parole plans (it is unlikely he would be permitted to live in section 8 housing as proposed, due to his felony conviction).	
Motion by:	Garner	
Second by:	Peck	
Not Present:		
Abstained:		
<b>Decision:</b>	Motion carried.	
<b>CHIAMULON, RICHARD</b>	<b>V-48226</b>	<b>Referred by Decision Review</b>
<b>Motion:</b>	Affirm the July 2, 2013, grant and schedule a re-hearing for the sole purpose of recalculating the prisoner's parole release date.	
Motion by:	Roberts	
Second by:	Garner	
Not Present:		
Abstained:		
<b>Decision:</b>	Motion carried.	
<b>CHURCHWELL, RICHARD</b>	<b>T-44518</b>	<b>Governor-Referred</b>
<b>Motion:</b>	Affirm the panel's decision to grant parole made on July 18,	

2012, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated by the granting panel.

Motion by: **Roberts**

Second by: **Fritz**

Not Present:

Abstained:

**Decision:** Motion carried.

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**DANA, ROBERT**

**B-81537**

**Penal Code section 1170(e)**

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**Motion:** Recommend to the court that the prisoner's sentence be recalled, or the prisoner be re-sentenced, based on the Board's finding that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months, and the conditions under which the prisoner would be released or received treatment (at the home of his daughter in the state of Nevada) would not pose a threat to public safety.

Motion by: **Zarrinnam**

Second by: **Labahn**

Not Present:

Abstained:

**Decision:** Motion carried.

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**GILLIS, THORNTON**

**AD-9072**

**Penal Code section 1170(e)**

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**Motion:** Decline to recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the conditions under which the prisoner would be released or receive treatment would pose a threat to public safety due to conflicting information presented suggesting the possibility of unsupervised access to children given the nature of his prior criminal record and his recent, (2012) misconduct involving prescription medication.

Motion by: **Singh**

Second by: **Fritz**

Not Present:

Abstained:

**Decision:** Motion carried.

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**HERNANDEZ, PETE**

**E-78406**

**Governor-Referred**

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**Motion:** In that a majority of the board disagrees with the decision to grant parole reached on May 17, 2013, and pursuant to California Code of Regulations, Title 15, section 2044, the decision of the panel is vacated and the matter scheduled for a new hearing based on the reasons stated by the Governor in his August 15, 2013, referral to the board pursuant to Penal Code section 3041.1.

Motion by: **Singh**  
Second by: **Anderson**  
Not Present:  
Abstained: **Turner**  
**Decision:** **Motion carried.**

**LUND, RONALD**

**C-66744**

**Governor-Referred**

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**Motion:** **Affirm the panel's decision to grant parole made on May 14, 2013, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated by the granting panel.**

Motion by: **Labahn**  
Second by: **Roberts**  
Not Present:  
Abstained: **Turner**  
**Decision:** **Motion carried.**